

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 7, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Commissioners Absent: Larry Hudkins, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 31, 2005.**

MOTION: Stevens moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated May 31, 2005. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. A resolution proclaiming June 5 through June 11, 2005 as "Management Week". (R-05-0067)

The Clerk read the resolution into the record.

Julie Peter, representing Leadership Link, appeared and thanked the County Board for recognizing the week of June 5th through June 11th as "Management Week". She also asked the Board for their continued support of Leadership Link.

MOTION: Stevens moved and Heier seconded approval of Resolution 05-0067 proclaiming June 5 through June 11, 2005 as "Management Week". Workman, Schorr, Heier and Stevens voted aye. Motion carried.

3) **CLAIMS: Approval of all claims processed through Tuesday, June 7, 2005.**

MOTION: Workman moved and Stevens seconded approval of all claims processed through June 7, 2005. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding Comprehensive Plan Amendment 05012, by the Director of Planning at the request of Prairie Homes, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change the land use from Urban Residential to Commercial and to change the commercial size designation from Neighborhood Center to Community Center, on land generally located at North 84th and Adams Streets.

The Clerk administered the oath to Marvin Krout, Director of Planning.

Krout informed the Board that the applicant's attorney has requested the amendment be withdrawn.

Peter Katt, attorney representing applicant, appeared and stated he was not requesting the County Board to take action on the matter, however, it is at the Board's discretion.

Discussion followed regarding the County Board's involvement regarding zoning issues within the City limits and within the three mile jurisdiction.

Katt stated they were requesting withdrawal because they feel the proposal is not a County Board issue.

MOTION: Heier moved and Workman seconded approval to change the land use from Urban Residential to Commercial regarding the area generally located at North 84th and Adams Streets.

Heier withdrew the motion until the public hearing is closed.

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

MOTION: Heier moved and Workman seconded to direct the County Attorney's Office to prepare a resolution approving Comprehensive Plan Amendment 05012 to change the land use from Urban Residential to Commercial and to change the commercial size designation from Neighborhood Center to Community Center.

Heier clarified that he feels the amendment is not a Wal-Mart issue, but rather a change in the zoning on the land.

Krout suggested the Board note for the record that they are in favor of changing the land use to Commercial instead of drafting a resolution.

Both the maker of the motion and the seconder agreed to note for the record the Board's belief that the area is appropriate for Commercial development instead of directing the County Attorney's Office to draft a resolution.

Heier withdrew his previous motion to direct the County Attorney's Office to prepare a resolution approving Comprehensive Plan Amendment 05012 to change the land use from Urban Residential to Commercial and to change the commercial size designation from Neighborhood Center to Community Center.

Kristy Mundt, Deputy County Attorney, suggested that the Comprehensive Plan Amendment be withdrawn as requested by the applicant and the Planning Director. She added that the Board could then include their statement regarding their opinion on the change in land use.

Heier reiterated that he withdrew his previous motion.

MOTION: Heier moved and Workman seconded to make a statement to City and County residents that the County Board is in favor of the area (North 84th and Adams Streets) being rezoned as Commercial. Workman, Schorr and Heier voted yes. Stevens voted no. Motion carried.

MOTION: Stevens moved to accept the recommendation of the Planning Director to allow the withdrawal of Comprehensive Plan Amendment 05012.

Motion failed for lack of a second.

4) **PUBLIC HEARINGS CONTINUED:**

B. An application for Corporate Manager for Connie L. Hynek in connection with a Class AD liquor license for Gas 'N Shop, Inc. d/b/a Gas 'N Shop No. 41 located at 4005 West Highway 34, Lincoln, Lancaster County, Nebraska.

The Vice Chair asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Heier moved and Stevens seconded approval of the application for Corporate Manager for Connie L. Hynek in connection with a Class AD liquor license for Gas 'N Shop, Inc. d/b/a Gas 'N Shop No. 41 located at 4005 West Highway 34, Lincoln, Lancaster County, Nebraska.

Schorr asked Terry Wagner, County Sheriff, if there had been any violations in the past year or if the Sheriff's Office had any concerns.

Wagner stated there have been no violations.

ROLL CALL: Stevens, Heier, Workman and Schorr voted aye. Motion carried.

C. An application for Corporate Manager for Brett Allen Renner in connection with a Class I liquor license for Hillcrest Country Club located at 8901 "O" Street, Lincoln, Lancaster County, Nebraska.

The Vice Chair asked if anyone wished to provide testimony.

The Clerk administered the oath to Brett Renner, applicant.

In response to a question asked Stevens, Renner stated he worked at the Lincoln Country Club for approximate ten and one half years.

The Vice Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

MOTION: Workman moved and Heier seconded approval of an application for Corporate Manager for Brett Allen Renner in connection with a Class I liquor license for Hillcrest Country Club located at 8901 "O" Street, Lincoln, Lancaster County, Nebraska. Heier, Workman, Schorr and Stevens voted aye. Motion carried.

D. Comprehensive Plan Amendment 04010, requested by the Director of Planning at the request of Apple's Way, L.L.C., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change the land use designation from Urban Residential to Commercial on approximately 39.13 acres generally located at South 66th Street and Highway 2 in Lancaster County, Nebraska.

The Vice Chair asked if anyone wished to provide testimony.

The Clerk administered the oath to Tom Huston, attorney representing the applicants.

Huston gave a brief overview of the amendment and requested the County Board defer action until June 14, 2005. He added City Council would take action on Monday, June 13, 2005.

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was recessed.

E. Comprehensive Plan Conformance 05003, requested by Prairie Solitude, L.L.C., adopting the proposed conservation easement for the preservation of native prairie. (See New Business Item 6A for correlating resolution.)

The Vice Chair asked if anyone wished to provide testimony.

The Clerk administered the oath to Bradley Barrows, manager of Prairie Solitude, L.L.C..

4) **PUBLIC HEARINGS CONTINUED:**

Barrows stated it would be in the best interest of the Prairie Solitude, as well as the public, to seek permission to donate the conservation easement to Lower Platte South Natural Resources District (NRD). He explained the NRD has approved acceptance of the conservation easement with changes from the original plan which in essence saves eight additional acres of native prairie.

The Vice Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

5) **OLD BUSINESS:**

A. An agreement with Lutheran Family Services for behavioral health services to high need youth who are wards of the State residing in Lancaster County. Term of the agreement is April 1, 2005 through June 30, 2005. The County will pay up to \$46,825.58 for the services. (C-05-0266)

Stevens noted an error in the cost of the services. The corrected cost is \$46,825.88.

MOTION: Heier moved and Stevens seconded approval of an agreement with Lutheran Family Services for behavioral health services to high need youth who are wards of the State residing in Lancaster County, in the corrected amount of \$46,825.88. Stevens, Workman, Heier and Schorr voted aye. Motion carried.

6) **NEW BUSINESS:**

A. A resolution in the matter of Comprehensive Plan Conformance 05003, requested by Prairie Solitude, L.L.C., to transfer a conservation easement for preservation of native prairie to the Lower Platte South Natural Resources District (NRD) on property located southeast of the intersection of West Van Dorn and Southwest 126th Streets in Lancaster County, Nebraska. (R-05-0066)

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0066 in the matter of Comprehensive Plan Conformance 05003, requested by Prairie Solitude, L.L.C., to transfer a conservation easement for preservation of native prairie to the Lower Platte South Natural Resources District (NRD) on property located southeast of the intersection of West Van Dorn and Southwest 126th Streets in Lancaster County, Nebraska. Heier, Stevens, Schorr and Workman voted aye. Motion carried.

B. An application for a Special Designated License from the Nebraska State Board of Agriculture to provide liquor beverage service in connection with the Three Eagles Communications 'Then and Now Giveaway' on Saturday, June 25, 2005 from 5 p.m. to 1 a.m. at the open air auditorium located in State Fair Park.

MOTION: Heier moved and Stevens seconded approval of an application for a Special Designated License from the Nebraska State Board of Agriculture to provide liquor beverage service in connection with the Three Eagles Communications 'Then and Now Giveaway' on Saturday, June 25, 2005 from 5 p.m. to 1 a.m. at the open air auditorium located in State Fair Park. Workman, Schorr, Stevens and Heier voted aye. Motion carried.

C. A contract with Diamond Marketing Solutions for printing and mailing of tax statements for the Lancaster County Treasurer's Office. The estimated annual real estate mailing will cost approximately \$31,922.80 and costs for the monthly vehicle tax statement will vary based on the individual month's volume. Term of the contract is for a three year period, beginning July 1, 2005 through May 31, 2008 with an option to renew for an additional three year period with mutual consent. (C-05-0303)

MOTION: Workman moved and Stevens seconded approval of a contract with Diamond Marketing Solutions for printing and mailing of tax statements for the Lancaster County Treasurer's Office. Workman, Schorr, Stevens and Heier voted aye. Motion carried.

D. An affiliation agreement between Hamilton College and Lancaster County to allow the college to utilize the facilities at Lancaster Manor for providing clinical experience to the college's nursing students. The agreement includes a 30 day termination provision. (C-05-0304)

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of an affiliation agreement between Hamilton College and Lancaster County to allow the college to utilize the facilities at Lancaster Manor for providing clinical experience to the college's nursing students. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

E. Participation in the Marsh Settlement and Release of Marsh & McLennan Companies, Inc., in exchange for the payment of \$1,057.30 to Lancaster County. (C-05-0307)

MOTION: Heier moved and Workman seconded approval to participate in the Marsh Settlement and Release of Marsh & McLennan Companies, Inc., in exchange for the payment of \$1,057.30 to Lancaster County.

In response to a question asked by Stevens, Don Herz, City Finance Director, stated the payments would be spread over a four year period.

ROLL CALL: Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. Recommendation from the Purchasing Agent and the car wash services analysis committee to award a bid for car wash and related services to West "O" Super Wash, Buggy Bath Car Wash, Husker Car Wash and Randolph Car Wash for the combined annual requirements of Lancaster County and the City of Lincoln. The award of individual car wash services will be coordinated by the County/City Departments/Divisions/Agencies on an as needed basis. Estimated combined total value of services is approximately \$32,000 annually. (B-05-0024)

MOTION: Stevens moved and Workman seconded to accept the recommendation of the Purchasing Agent and the car wash services analysis committee to award a bid for car wash and related services to West "O" Super Wash, Buggy Bath Car Wash, Husker Car Wash and Randolph Car Wash for the combined annual requirements of Lancaster County and the City of Lincoln. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

G. Keno satellite application of Lee Ann Inc. d/b/a Merle's Food and Drink, located at 8250 West "O" Street, owned by Daniel and Elizabeth Lynch.

6) **NEW BUSINESS CONTINUED:**

Appearing were Daniel Lynch, Merle's Food & Drink, and John Hewitt with Big Red Keno.

Hewitt indicated the Keno Committee has approved the application.

MOTION: Heier moved and Stevens seconded approval of a Keno satellite application of Lee Ann Inc. d/b/a Merle's Food and Drink, located at 8250 West "O" Street, owned by Daniel and Elizabeth Lynch.

Stevens noted for the record that there is a letter from Mr. Herz indicating that the Lincoln Police Department, as well as the Sheriff's Office, have no objections to the application. He added the Nebraska Department of Revenue has indicated licensing should not be a problem.

ROLL CALL: Workman, Heier and Stevens voted aye. Schorr voted no. Motion carried.

H. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Progressive Construction Company, L.L.C., in the amount of \$66,146.99, for the Sheriff's garage.

MOTION: Heier moved and Workman seconded authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Progressive Construction Company, L.L.C., in the amount of \$66,146.99, for the Sheriff's garage. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Clerk's Monthly Report for May, 2005.

7) **CONSENT ITEMS CONTINUED:**

B. Setting of a joint City Council/Board of Commissioners public hearing for Monday, June 20, 2005 at 4 p.m. in the City Council/Board of Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. **Comprehensive Plan Amendment 05003**, to update and amend the Trails and Bicycle Facilities Plan map in the 2025 Lincoln/Lancaster County Comprehensive Plan to reflect the location of the Dead Man's Run trail from North 33rd to North 48th Streets on the south side of Huntington/Leighton Avenues and to update the map to show completed trail and grade separations.
2. **Comprehensive Plan Amendment 05004**, to update and amend the Future Road Improvements County map in the 2025 Lincoln/Lancaster County Comprehensive Plan to designate South 82nd Street from Hickman Road to Panama Road as potential paving.
3. **Comprehensive Plan Amendment 05005**, to amend the 2025 Lincoln Area Street and Roadway Improvement map and related text in the 2025 Lincoln/Lancaster County Comprehensive Plan to change Fletcher Avenue from 4+1 lanes to 2+1 lanes and the functional classification from Minor Arterial to Urban Collector.
4. **Comprehensive Plan Amendment 05007**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan for a change from Priority B of Tier I to Priority A of Tier I, generally located between Northwest 70th and Northwest 56th Streets, from West Superior to West Adams Street.
5. **Comprehensive Plan Amendment 05009**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan for a change from Agricultural to Industrial and Regional Commercial; for inclusion in the 2025 Lincoln/Lancaster County Future Service Limit; interchange of Interstate 80 and Highway 77 (North 56th Street).

C. Setting of public hearings for Tuesday, June 21, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. **County Special Permit 05025**, requested by Roger and Lynn Engelbart, for authority to reside in a mobile home as a temporary residence while building a permanent residence on property generally located at Northwest 112th Street and West Fletcher Road in Lancaster County, Nebraska.

7) **CONSENT ITEMS CONTINUED:**

2. **County Change of Zone 05032**, from AG Agricultural District to AGR Agricultural Residential District, requested by Valerie B. Harris, on property generally located at the southeast corner of Southwest 56th Street and West Denton Road in Lancaster County, Nebraska.

D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ Eugene J. Hajek on West Parker Road east of Southwest 140th Street; Project C.P.U-300. This is a donation. (C-05-0305)
- ▶ John D. and Ferne C. Furrer on Van Dorn Street east of North 162nd Street; Project C.P.J-237. This is a donation. (C-05-0306)

MOTION: Heier moved and Stevens seconded approval of the Consent Items. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 2:33 p.m.. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 7, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Commissioners Absent: Larry Hudkins, Chair

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 2:33 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 31, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated May 31, 2005. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 8 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier and Stevens voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTION:**

Saint Paul United Methodist Church

MOTION: Heier moved and Workman seconded approval of the motor vehicle tax exemption for Saint Paul United Methodist Church. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Equalization meeting at 2:34 p.m.. Workman, Stevens, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk